

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

CARLA BRADLEY)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:09-cv-01084-FJG
)	
)	
COMMERCE BANK, N.A.)	
MARY RAYMOND)	
)	
Defendants.)	

**DEFENDANT'S PARTIAL MOTION TO DISMISS OR,
ALTERNATIVELY, FOR SUMMARY JUDGMENT**

Defendants Commerce Bank and Mary Raymond file this Partial Motion to Dismiss pursuant to Fed. R. Civ. P 12(b)(6) or, alternatively, for summary judgment pursuant to Fed. R. Civ. P. 56. As set forth in Defendants' Suggestions in Support of this Motion, submitted contemporaneously herewith, many of Plaintiff's claims fail for various reasons. Plaintiff's claim under the Missouri Human Rights Act ("MHRA") fails because Plaintiff has not and cannot obtain a Missouri Commission on Human Rights ("MCHR") "right to sue" letter, a condition precedent for pursuing her claim. Plaintiff's "emotional distress" and "negligent supervision" claims fail because the Court lacks subject matter jurisdiction over such claims because, under Missouri law, worker's compensation laws are Plaintiff's sole remedy for such claims. The "negligent supervision" claim also fails to the extent it is a disguised "wrongful termination" claim, because Plaintiff was an "at-will employee" and, under Missouri law, at-will employees cannot maintain "wrongful termination" claims. Last, Plaintiff's Title VII claim fails because Plaintiff did not bring the claim with ninety (90) days of receiving her Equal Employment Opportunity Commission ("EEOC") "right to sue" letter, a condition precedent for

pursuing her claim. As such, Defendants are entitled to the dismissal of, or alternatively, summary judgment on, such claims.

Respectfully submitted,

/s/ Kimberly A. Jones

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically and that notice of this filing will be sent via the Court's ECF notification and by U.S. Mail this 28th day of December, 2009, to:

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/s/ Kimberly A. Jones

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